

NOTICE OF ORDER

TOWN AND COUNTRY PLANNING ACT 1990 Section 257

Bury Metropolitan Borough Council
(Non-Definitive Footpath, Coleridge Avenue, Radcliffe)
Public Path Extinguishment Order

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is 7 April 2020

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **Elizabethan Suite, Town Hall, Knowsley Street, Bury BL9 0SW on Tuesday 10 November 2020** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to extinguish the full width of the non-definitive footpath at Ordnance Survey Grid reference (OSGR) SD76940759 shown as Point A on the Order Map in an easterly direction for 72m between fences to a point shown as B on the Order Map at OSGR SD77010760 and then through a former garage colony site for 85m to terminate at its junction with Coleridge Avenue at OSGR SD77080759 shown as point C on the Order Map.

Any queries relating to this Order should be referred to Jean McEntee at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5437. Email: jean.mcentee@planninginspectorate.gov.uk Please quote reference number ROW/3237050 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so at Bury Metropolitan Borough Council Reception, 3 Knowsley Place, Duke Street, Bury BL9 0EJ between the hours of 9am and 4pm, Monday to Friday. Telephone: 0161 253 5116.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 2 June 2020]

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Order.

Within 14 weeks of the start date [by 14 July 2020]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

4 weeks before the date of the inquiry [by 13 October 2020]

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

Notice of order for inquiry

¹ If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257
(NON-DEFINITIVE FOOTPATH, COLERIDGE AVENUE, RADCLIFFE)
PUBLIC PATH EXTINGUISHMENT ORDER

This order is made by the Council of the Metropolitan Borough of Bury under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to extinguish the footpath to which the Order relates in order to enable development to be carried out (In accordance with planning permission granted under part III of the Town and Country Planning Act 1990), namely the reinstatement of a garage colony with 44 no. new garages and 2.4 metre high mesh fence with gate (Planning Reference: 62970)

BY THIS ORDER

1. The public right of way over the land situate in St Thomas, Radcliffe and shown as a thick black line A-B-C on the map attached to the Order and described in the Schedule to this Order shall be extinguished after seven days from the date of confirmation of the Order
2. Where immediately before the date on which the footpath is extinguished there is apparatus under, in, on over, along or across it belonging to statutory undertakers for the purposes of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE

DESCRIPTION OF PUBLIC FOOTPATH TO BE EXTINGUISHED IN ST THOMAS, RADCLIFFE

The full width of the non-definitive footpath at Ordnance Survey Grid Reference (OSGR) SD76940759 shown as Point A on the Order Map in an easterly direction for 72m between fences to a point shown as B on the Order Map at OSGR SD77010760 and then through a former garage colony site for 85m to terminate at its junction with Coleridge Avenue at OSGR SD77080759 shown as point C on the Order Map.

Dated this th 26 day of February 2019

The Common Seal of THE METROPOLITAN BOROUGH OF BURY
was hereunto affixed in the presence of :-

A N Cal



130/19
Council Solicitor



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Duke Street
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Bury
COUNCIL

Project Title
APPLICATION TO EXTINGUISH FOOTPATH, OFF
COLERIDGE AVENUE, ST THOMAS', RADCLIFFE

Scale
1:1250

Date
Nov 2018

Drawn by
JS

Checked by
DC

Drawing No.
PRW/11

Revision